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Date: (Filing No. S- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 38, L.D. 121, “An Act to Include Brush and Yard Debris in the Definition of "Litter"”

Amend the bill by striking out the title and substituting the following:

**'An Act to Amend the Maine Litter Control Act'**

Amend the bill in section 1 in subsection 2 in the 2nd line (page 1, line 5 in L.D.) by striking out the following: "brush;" and inserting the following: 'brush and'

Amend the bill in section 1 in subsection 2 by inserting after the first blocked paragraph the following:

'For the purposes of this subsection, "brush and yard debris" does not include slash, as defined in Title 12, section 9331, generated by or on behalf of a public utility, as defined in Title 35-A, section 102, subsection 13.'

Amend the bill by inserting after section 1 the following:

**'Sec. 2. 17 MRSA §2263-A, sub-§1**, as amended by PL 2021, c. 374, §2, is further amended to read:

**1. Prohibited acts.** A person may not intentionally throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

A. In or on public highway, road, street, alley, public right-of-way or other public lands, except in a container or receptacle or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions;

B. In freshwater lake, river, stream, tidal or coastal water or on ice over the water. When any litter is thrown or discarded from a watercraft, a person is in violation of this section if that person is:

- (1) The operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire; or
- (2) The person actually disposing of the litter.

**COMMITTEE AMENDMENT**

1 This paragraph does not prohibit persons who fish, lobster or otherwise harvest from  
2 the water from returning to the water harvested products, bait and similar materials that  
3 naturally originate in the water;

4 C. In or on any private property, unless:

5 (1) Prior consent of the owner has been given; and

6 (2) The litter is not a public nuisance or in violation of any state law or local rule;

7 D. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that  
8 the load may drop, sift, leak or otherwise escape. This paragraph applies to vehicles  
9 or trailers carrying trash, rubbish or other materials that may be construed as "litter";  
10 or

11 E. From a vehicle. When any litter is thrown or discarded from a vehicle, a person is  
12 in violation of this section if that person is:

13 (1) The operator of the vehicle, unless it is a vehicle being used for the carriage of  
14 passengers for hire; or

15 (2) The person actually disposing of the litter.

16 It is a violation of this chapter for a person to intentionally release outdoors a balloon that  
17 is inflated or filled with a gas that is lighter than air, except that it is not a violation of this  
18 chapter for a person to intentionally release outdoors a balloon carrying scientific  
19 instrumentation, a balloon used for meteorological observation by a governmental or  
20 scientific organization or a hot air balloon that is recovered after launching.

21 In addition to any penalty under section 2264-A, violation of this subsection is a traffic  
22 infraction under Title 29-A, chapter 23, subchapter ~~VI~~ 6.

23 A record of a violation of this subsection must be forwarded to the Secretary of State who,  
24 in accordance with Title 29-A, section 2607, shall add the violation to the department's  
25 point system. The violation is counted in determining an individual's total points under the  
26 point system of the Department of the Secretary of State, Bureau of Motor Vehicles.'

27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
28 number to read consecutively.

## 29 SUMMARY

30 This amendment excludes slash as defined by the Maine Revised Statutes, Title 12,  
31 section 9331 that is generated by or on behalf of a public utility from the definition of  
32 "brush and yard debris" in the laws governing litter, as amended by the bill. It also amends  
33 the Maine Litter Control Act to require an intentional state of mind to be found liable for  
34 littering.

## 35 FISCAL NOTE REQUIRED

36 (See attached)